

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/015,703	12/17/2001	Mark A. Kirkpatrick	BS01-171 6387	
75	590 01/13/2005		EXAM	INER
WITHERS & KEYS LLC			· CUFF, MICHAEL A	
P O BOX 71355 MARIETTA, GA 30007-1355			ART UNIT	PAPER NUMBER
			3627 . DATE MAILED: 01/13/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edemaiors of times may be available under the provisions of 37 CPR 1.136(a). In no event, however, may a reply be timely filed  Ethic period for reply specified above is loca shan thirty (20) days, a reply within the statutory minimum of thirty (20) days will be considered timely.  If the period for reply specified above is loca shan thirty (20) days, a reply within the statutory minimum or thirty (20) days will be considered timely.  Followed for reply specified above, the maximum standry period will apply and will region \$1.00 (Month of the provision of the provisi		Application No.	Applicant(s)					
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The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Estembase of time may be available under the provisions of 3 CFR 1.13(a). In or event, however, may a reply be linely filed after \$5 (0) MONTHS from the maling date of this communication.  Estembase of time may be available under the provisions of 3 CFR 1.13(a). In or event, however, may a reply be linely filed after \$5 (0) MONTHS from the maling date of this communication.  **Estembase of time may be available under the provisions of a different provision of the standary control of the st	Office Action Summary	Examiner	Art Unit					
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be variable under the provisions of 3 CFR 1.13(a). In or event, however, may a reply be timely filled after SIX (6) MOSHYS from the malling date of this communication.  It this period renay specified use he issue than five (0) days, as, with principle to the principle of the princi	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the co	orrespondence address					
1) Responsive to communication(s) filed on 27 October 2004.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-34 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-34 is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) are subjected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) cocepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/S8/08)  5) Notice of Torisperson's Patent Drawing Review (PTO-348)  5) Notice of Torisperson's Patent Drawing Review (PTO-348)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/S8/08)	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period with Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from to cause the application to become ABANDONED	ely filed will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).					
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Application/Control Number: 10/015,703

Art Unit: 3627

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Elston et al.

Elston et al. shows, figure 1, a remote ordering system for mobile commerce. Mobile customer access devices 52 (PDA) transmit an order for a product or service from a menu provide from the merchant. The customer has a unique identifier, which is associated with other customer information including a description (type, color, etc., (make and model)) and license number. Once the customer has been identified and perhaps verified, the employee brings the order from the store to the customer's vehicle. (see "curb service", specifically, page 11, paragraph [0202]). (The receiver is capable of transmitting a reply to the transmitter reporting a status of the order. The fact that the Elston et al. reference does not disclose transmitting a reply for this reason is immaterial.)

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## Conclusion

- 2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kolls shows a system of interest.
- 3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

laff 12/9/04

Michael Cuff

December 9, 2004